

PERSONAL PROPERTY DECLARATION

I, (name of declarant) Phillip Ford, declare:

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding Movant's interest in the Property (specify):

a. ☐ I am the Movant.

b. ☒ I am employed by Movant as (title and capacity): AVP - Consumer Services Bankruptcy

c. ☐ Other (specify):

2. a. ☒ I am one of the custodians of the books, records and files of Movant that pertain to loans, leases, or extensions of credit given to Debtor concerning the Property. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the court if required.

b. ☐ Other (see attached):

3. The Property is:

a. ☒ Vehicle (year, manufacturer, type, model and year): 2021 GMC Yukon

Vehicle Identification Number: 1GKS2DKL1MR130005

Location of vehicle (if known): unknown

b. ☐ Equipment (manufacturer, type, and characteristics):

Serial number(s):

Location (if known):

c. ☐ Other personal property (type, identifying information, and location):

4. The nature of Debtor's interest in the Property is:

- a. ☐ Sole owner
- b. ☐ Co-owner (*specify*):
- c. ☒ Lessee
- d. ☐ Other (*specify*):
- e. ☒ Debtor ☒ did ☐ did not list the Property in the schedules filed in this case.

5. ☒ The lease matured or was rejected on (*date*) 11/01/2023 :

- a. ☐ rejected
 - (1) ☐ by operation of law.
 - (2) ☐ by order of the court.
- b. ☒ matured.

6. Movant has a perfected security interest in the Property.

- a. ☐ A true and correct copy of the promissory note or other document that evidences the debt owed by the Debtor to Movant is attached as Exhibit _____.
- b. ☒ The Property is a motor vehicle, boat, or other personal property for which a certificate of title is provided for by state law. True and correct copies of the following items are attached to this motion:
 - (1) ☒ Certificate of title ("pink slip") (Exhibit B _____).
 - (2) ☒ Vehicle or other lease agreement (Exhibit A _____).
 - (3) ☐ Security agreement (Exhibit _____).
 - (4) ☐ Other evidence of a security interest (Exhibit _____).
- c. ☐ The Property is equipment, intangibles, or other personal property for which a certificate of title is not provided for by state law. True and correct copies of the following items are attached to this motion:
 - (1) ☐ Security agreement (Exhibit _____).
 - (2) ☐ UCC-1 financing statement (Exhibit _____).
 - (3) ☐ UCC financing statement search results (Exhibit _____).
 - (4) ☐ Recorded or filed leases (Exhibit _____).
 - (5) ☐ Other evidence of perfection of a security interest (Exhibit _____).
- d. ☐ The Property is consumer goods. True and correct copies of the following items are attached to this motion:
 - (1) ☐ Credit application (Exhibit _____).
 - (2) ☐ Purchase agreement (Exhibit _____).
 - (3) ☐ Account statement showing payments made and balance due (Exhibit _____).
 - (4) ☐ Other evidence of perfection of a security interest (*if necessary under state law*) (Exhibit _____).
- e. ☐ Other liens against the Property are attached as Exhibit _____.

7. Status of Movant's debt:

- a. The amount of the monthly payment: \$ _____.
- b. Number of payments that became due and were not tendered: ☐ prepetition ☐ postpetition.
- c. Total amount in arrears: \$ 50,586.20.
- d. Last payment received on (date): 01/31/2024.
- e. Future payments due by the anticipated hearing date (if applicable): _____
An additional payment of \$ _____ will come due on (date) _____, and on
the _____ day of each month thereafter. If the payment is not received by the _____
day of the month, a late charge of \$ _____ will be charged under the terms of the loan.

8. ☒ Attached as Exhibit C is a true and correct copy of a POSTPETITION payment history that accurately reflects the dates and amounts of all payments made by the Debtor since the petition date.

9. Amount of Movant's debt:

- a. Principal: \$ 50,586.20
- b. Accrued interest: \$ _____
- c. Costs (attorney's fees, late charges, other costs): \$ _____
- d. Advances (property taxes, insurance): \$ _____
- e. TOTAL CLAIM as of 04/29/2024 : \$ 50,586.20

10. ☒ (Chapter 7 and 11 cases only) Valuation: The fair market value of the Property is: \$ 60,425.00.
This valuation is based upon the following supporting evidence:

- a. ☒ This is the value stated for property of this year, make, model, and general features in the reference guide most commonly used source for valuation data used by Movant in the ordinary course of its business for determining the value of this type of property. True and correct copies of the relevant excerpts of the most recent edition of the reference guide are attached as Exhibit D.
- b. ☐ This is the value determined by an appraisal or other expert evaluation. True and correct copies of the expert's report and/or declaration are attached as Exhibit _____.
- c. ☐ The Debtor's admissions in the Debtor's schedules filed in the case. True and correct copies of the relevant portions of the Debtor's schedules are attached as Exhibit _____.
- d. ☐ Other basis for valuation (specify): _____

NOTE: If valuation is contested, supplemental declarations providing additional foundation for the opinions of value should be submitted.

11. Calculation of equity in Property:

- a. ☒ 11 U.S.C. § 362(d)(1) - Equity Cushion:

I calculate that the value of the "equity cushion" in the Property exceeding Movant's debt and any lien(s) senior to Movant's debt is \$ 9,838.80 and is 16.28 % of the fair market value of the Property.

b. ☒ **11 U.S.C. § 362(d)(2)(A) - Equity:**

By subtracting the total amount of all liens on the Property from the value of the Property as set forth in Paragraph 10 above, I calculate that the Debtor's equity in the Property is \$ 9,838.80.

12. ☒ The fair market value of the Property is declining because:

The lease matured on 11/1/2023, causing the total purchase option and any remaining amounts to become due and owing or for the Vehicle to be returned to Movant. This amount was not paid and Debtor has evaded all efforts to recover the Vehicle to-date.

13. ☐ The Debtor's intent is to surrender the Property. A true and correct copy of the Debtor's statement of intentions is attached as Exhibit _____.

14. ☐ Movant regained possession of the Property on (date) _____, which is: ☐ prepetition ☐ postpetition.

15. ☐ (Chapter 12 or 13 cases only) Status of Movant's debt and other bankruptcy case information:

a. The 341(a) meeting of creditors is currently scheduled for (or concluded on) (date) _____

A plan confirmation hearing is currently scheduled for (or concluded on) (date) _____

The plan was confirmed on (if applicable) (date) _____

b. Postpetition preconfirmation payments due BUT REMAINING UNPAID after the filing of the case:

Number of Payments	Number of Late Charges	Amount of Each Payment or Late Charge	Total
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

(See attachment for additional breakdown of information attached as Exhibit _____.)

c. Postconfirmation payments due BUT REMAINING UNPAID after the plan confirmation date (if applicable):

Number of Payments	Number of Late Charges	Amount of Each Payment or Late Charge	Total
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

d. Postpetition advances or other charges due but unpaid: \$
(For details of type and amount, see Exhibit _____)

e. Attorneys' fees and costs: \$
(For details of type and amount, see Exhibit _____)

f. Less suspense account or partial paid balance: \$ []

TOTAL POSTPETITION DELINQUENCY: \$

- g. ☐ The entire claim is provided for in the chapter 12 or 13 plan and postpetition plan payments are delinquent. The plan payment history is attached as Exhibit _____. See attached declaration(s) of chapter 12 trustee or 13 trustee regarding receipt of payments under the plan (*attach LBR form F 4001-1.DEC.AGENT.TRUSTEE*).
16. ☐ Proof of insurance regarding the Property has not been provided to Movant, despite the Debtor's obligation to insure the collateral under the terms of Movant's contract with Debtor.
17. ☐ The bankruptcy case was filed in bad faith:
- a. ☐ Movant is the only creditor or one of few creditors listed in the Debtor's case commencement documents.
 - b. ☐ Other bankruptcy cases have been filed in which an interest in the Property was asserted.
 - c. ☐ The Debtor filed only a few case commencement documents. Schedules and a statement of financial affairs (or chapter 13 plan, if appropriate) have not been filed.
 - d. ☐ Other (*specify*):
18. ☐ The filing of the bankruptcy petition was part of a scheme to delay, hinder, or defraud creditors that involved:
- a. ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval. See attached continuation page for facts establishing the scheme.
 - b. ☐ Multiple bankruptcy cases affecting the Property:
 - (1) Case name: _____
Chapter: _____ Case number: _____
Date filed: _____ Date discharged: _____ Date dismissed: _____
Relief from stay regarding the Property ☐ was ☐ was not granted.
 - (2) Case name: _____
Chapter: _____ Case number: _____
Date filed: _____ Date discharged: _____ Date dismissed: _____
Relief from stay regarding the Property ☐ was ☐ was not granted.
 - (3) Case name: _____
Chapter: _____ Case number: _____
Date filed: _____ Date discharged: _____ Date dismissed: _____
Relief from stay regarding the Property ☐ was ☐ was not granted.
- ☐ See attached continuation page for more information about other bankruptcy cases affecting the Property.
- ☐ See attached continuation page for additional facts establishing that the multiple bankruptcy cases were part of a scheme to delay, hinder, and defraud creditors.
19. ☐ Enforcement actions taken after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).
- a. ☐ These actions were taken before Movant knew the bankruptcy case had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.

- b. ☐ Although Movant knew the bankruptcy case was filed, Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit ____.
- c. ☐ For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/28/25
Date

Phillip Ford Sr
Printed Name

[Signature]
Signature